

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of  
Martin KASPAR et al.  
Corres. to PCT/EP2004/004919  
For: COOLANT CONDENSING DEVICE

TRANSLATOR'S DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

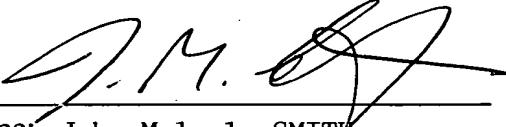
Sir:

I, the below-named translator, certify that I am familiar with both the German and the English language, that I have prepared the attached English translation of International Application No. PCT/EP2004/004919, and that the English translation is a true, faithful and exact translation of the corresponding German language paper.

I further declare that all statements made in this declaration of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of legal decisions of any nature based on them.

October 3, 2005

Date

  
Name: John Malcolm SMITH  
For and on behalf of RWS Group Ltd

**DECLARATION**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**COOLANT CONDENSING DEVICE**

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**(Attorney Docket No. 016906-0445)**

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the specification of which (check one)

is attached hereto.

was filed on May 7, 2004 as United States Application Number or PCT International Application Number PCT/EP2004/004919 and was amended on \_\_\_\_\_ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with

which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?
103 20 572.1	Federal Republic of Germany	May 7, 2003	Yes	

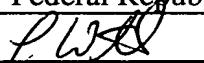
I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number


I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Martin KASPAR
Residence	Esslingen, Federal Republic of Germany
Citizenship	Federal Republic of Germany
Post Office Address	Kelterstrasse 99 73733 Esslingen Federal Republic of Germany
Inventor's signature	
Date	<u>11.10.05</u>
Name of second inventor	Gerrit WÖLK
Residence	Stuttgart, Federal Republic of Germany
Citizenship	Federal Republic of Germany
Post Office Address	Olgastrasse 126 70180 Stuttgart Federal Republic of Germany
Inventor's signature	
Date	<u>19.10.05</u>

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Martin KASPAR et al.

Title: COOLANT CONDENSING DEVICE

Appl. No.: PCT/EP2004/004919

Filing Date: May 7, 2004

Examiner: Unassigned

Art Unit: Unassigned

**POWER OF ATTORNEY OR AUTHORIZATION OF AGENT  
BY ASSIGNEE AND STATEMENT UNDER 37 CFR 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

BEHR GmbH & CO. KG, a corporation duly organized and existing under the laws of the Federal Republic of Germany, and having its principal place of business at Mauserstrasse 3, D-70469 Stuttgart, Federal Republic of Germany is the Assignee and owner of the entire right, title, and interest in and to the above-identified patent application by virtue of an assignment from the inventor(s) of said application.

A copy of the assignment is attached and/or  
 The assignment was recorded in the U.S. Patent & Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_.

Assignee hereby appoints the registered attorneys and agents at Customer Number:

**22428**

as its principal attorneys to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, to transact all business in the United States Patent and Trademark Office connected therewith, and to have full power of substitution, association, and revocation, including the power to revoke the power of attorney of any associate attorney.

Please direct all correspondence concerning this application to:

Richard L. Schwaab  
FOLEY & LARDNER LLP  
Customer Number: 22428

Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

Executed this 21st day of October, 2005.

BEHR GmbH & CO. KG

By Its Authorized Agent:

  
(Signature)

\_\_\_\_\_  
Dr. Andreas Grauel  
(Printed Name)

\_\_\_\_\_  
Director Intellectual Property  
(Title)

International Application No. : PCT/EP2004/004919

Attorney Docket No. : 016906-0445

and/or further identified as: U.S. Serial No. : \_\_\_\_\_

**COPY**

## ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

*name and  
address of  
assignee* BEHR GmbH & CO. KG  
Mauserstrasse 3, D-70469 Stuttgart  
Federal Republic of Germany

(hereinafter ASSIGNEE) all right, title and interest for the United States, its territories and possessions in and to this invention relating to

*title of  
invention* COOLANT CONDENSING DEVICE

as set forth in this International Application designating the United States and/or this United States Patent Application as a National Stage application or otherwise claiming the benefit of the International Application

*Check at  
least one*

executed concurrently herewith  
 executed on \_\_\_\_\_  
 U.S. Serial No. \_\_\_\_\_ Filed \_\_\_\_\_  
 International Application No. PCT/EP2004/004919 filed May 7, 2004

in and to said International Application designating the United States and/or United States Patent Application, including any and all divisions or continuations thereof, and in and to any and all Letters Patent of the United States which may issue on any such application or for said invention, including any and all reissues or extensions thereof, to be held and enjoyed by said ASSIGNEE, its successors, legal representatives and assigns to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by the undersigned had this Assignment not been made;

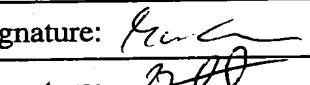
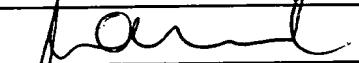
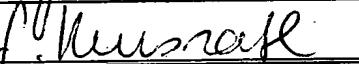
Each of the undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all such Letters Patent to said ASSIGNEE, its successors or assigns in accordance herewith;

Each of the undersigned warrants and covenants that he or she has the full and unencumbered right to sell and assign the interests herein sold and assigned and that he or she has not executed and will not execute any document or instrument in conflict herewith;

Each of the undersigned further covenants and agrees he or she will communicate to said ASSIGNEE, its successors, legal representatives or assigns all information known to him

or her relating to said invention or patent application and that he or she will execute and deliver any papers, make all rightful oaths, testify in any legal proceedings and perform all other lawful acts deemed necessary or desirable by said ASSIGNEE, its successors, legal representatives or assigns to perfect title to said invention, to said application including divisions and continuations thereof and to any and all Letters Patent which may be granted therefor or thereon, including reissues or extensions, in said ASSIGNEE, its successors, or assigns or to assist said ASSIGNEE, its successors, legal representatives or assigns in obtaining, reissuing or enforcing Letters Patent of the United States for said invention;

Each of the undersigned hereby grants the firm of **FOLEY & LARDNER LLP** the power to insert in this Assignment any further information, such as an application number, which may be necessary or desirable to further identify the application in compliance with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

<b>NAMES AND SIGNATURES OF INVENTORS</b>		
Name: Martin KASPAR	Signature: 	Date: 12.10.05
Name: Gerritt WÖLK	Signature: 	Date: 19.10.05
Name:	Signature:	Date:
Name:	Signature:	Date:
Name:	Signature:	Date:
<b>NAMES AND SIGNATURES OF WITNESSES</b>		
Name: Andreas GRAUEL	Signature: 	Date: 10/21/2005
Name: Gisela REUSRATH	Signature: 	Date: 10/21/2005

Note: *Prima facie* evidence of execution may optionally be obtained by execution of this document before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.